

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Suits – Roads & Buildings Department – Writ Petition No.15901 of 2008 filed by the Government against the orders of APAT in OA No.5029/2006, dt.4.6.07 filed by Sri I.Madhusudhana Rao, I/c.SE (R&B) retired – Dismissed – Implementation of orders of APAT – Further action dropped – Orders – Issued.

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TRANSPORT, ROADS & BUILDINGS (VIG.I) DEPARTMENT

G.O.Rt.No.1646

Dated: 10.10.2008.

Read the following:-

- 1) G.O.Rt.No.695, TR&B Department, dated 29.06.2006.
- 2) OA No.5029/2006 filed by Sri I.Madhusudhana Rao, I/c.SE (R&B) retired.
- 3) From the APAT, orders in OA No.5029/2006 filed Sri I. Madhusudhana Rao, dated 04.06.2007.
- 4) WP No.15901/2008 filed by the Government.
- 5) From the Hon'ble High Court, orders in WP No.15901/2008 filed by Government dated 24.07.2008.

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The Government, in the G.O. first read above, after conducting a departmental enquiry and differing with the findings of the Enquiry Officer, issued orders imposing the punishment of 1% cut in pension for a period of one year on Sri I.Madhusudhana Rao, I/c.SE (R&B) now retired, on certain irregularities in the construction of storm drain in front of Raidurg Police Station at Km.6/2 to 6/5 on interim Ring Road and road works, including tampering with the quotations in the Tender Schedules by issuing amendment to the CTN.

2) Sri I.Madhusudhana Rao filed OA No.5029/2006 before the APAT and the Hon'ble APAT in its orders dated 04.06.2006 set aside the above said punishment. The Government have filed Writ Petition before Hon'ble High Court against the above said orders of APAT. The Hon'ble High Court disposed of the Writ Petition No.15901/2008, on 24.07.2008 at the admission stage and holding that,-

“We have considered the rival contentions. Admittedly, the Enquiry Officer, after considering the material on record, held that the charge against the applicant was not proved. But, the Government sought to differ with his findings and therefore issued a memo to the applicant. The Tribunal has categorically recorded the finding that there is no material to show that the applicant had deviated from the guidelines on the tender procedure in order to help certain contractors and the details of the beneficiaries have not been shown. Apart from this, the Government had not recorded the reasons either in the show cause notice or in the final order, for differing with the enquiry officer's report. In the circumstances, we are not inclined to interfere with the impugned order passed by the Tribunal so as to dislodge its findings.

The Writ Petition fails and it is accordingly dismissed at the stage of admission.”

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3) Keeping in view of the orders of Hon'ble APAT as confirmed by the Hon'ble High Court, Government have decided to implement the orders of APAT in OA No.5029/2006 dated 04.06.2007.

4) Accordingly, Government hereby cancel the orders issued in G.O.Rt.No.695, Transport, Roads & Buildings (Vig.I.2) Department, dated 29.06.2006 and further action against Sri I.Madhusudhana Rao, I/c.Superintending Engineer (R&B) now retired is dropped.

5) The Engineer-in-Chief (R&B) Admn., shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.T.CHATTERJEE  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri I.Madhusudhana Rao, I/c.SE (R&B) retired.  
(Through ENC (R&B), Admn., Hyderabad.  
The Engineer-in-Chief (R&B) Admn., Hyderabad.  
Copy to  
The General Administration (V&E) Department,  
BRKR Bhavan, Hyderabad.  
The Secretary to VC, APVC, Hyderabad.  
The Account General (Pension.I), AP, Hyderabad.  
Sf/Sc

//FORWARDED :: BY ORDER//

SECTION OFFICER